

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**LISA A. CHEVRIER,**

**Plaintiff,**

**vs.**

**Civil No. 13-986 SMV**

**CAROLYN W. COLVIN, Acting  
Commissioner of the Social Security  
Administration,**

**Defendant.**

**ORDER GRANTING PLAINTIFF'S UNOPPOSED MOTION  
FOR ATTORNEY FEES UNDER EAJA**

**THIS MATTER** is before the Court on Plaintiff's Unopposed Motion for Attorney Fees Pursuant to the Equal Access to Justice Act, with Memorandum in Support [Doc. 22], filed on June 1, 2015. Plaintiff requests attorney fees in the amount of \$6,833.20. The Commissioner does not oppose the motion and, therefore, does not object to Plaintiff's request for attorney fees. The Court being otherwise fully advised in the premises, **FINDS** that the motion is well-taken and will be **GRANTED**.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that Plaintiff's Motion [Doc. 22] is **GRANTED**, and Plaintiff is authorized to receive \$6,833.20 for payment to her attorney for services before this Court, as permitted by the Equal Access to Justice Act, 28 U.S.C. § 2412, and in accordance with Manning v. Astrue, 510 F.3d 1246, 1255 (10th Cir. 2007).

**IT IS FURTHER ORDERED** that if Plaintiff's counsel is ultimately granted attorney fees pursuant to 42 U.S.C. § 406(b) of the Social Security Act, counsel shall refund the smaller award to Plaintiff pursuant to Gisbrecht v. Barnhart, 535 U.S. 789, 796 (2002) ("Congress

harmonized fees payable by the Government under EAJA with fees payable under § 406(b) out of the claimant's past-due Social Security benefits in this manner: Fee awards may be made under both prescriptions, but the claimant's attorney must refun[d] to the claimant the amount of the smaller fee.") (internal quotation marks omitted).

**IT IS SO ORDERED.**



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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**  
**Presiding by Consent**

Submitted By:

/s/Michael D. Armstrong

Michael D. Armstrong  
Attorney for Plaintiff

Email approval on 5/29/15

Gregory E White  
Special Assistant U.S. Attorney  
Office of the General Counsel SSA  
1301 Young St., Suite A702  
Dallas, TX 75202-5433  
greg.white@ssa.gov